

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

RAYMOND MONTEZELLO aka ROY A.
MONTES,

No. 2:21-cv-00906-KJM-EFB (PC)

Plaintiff,

ORDER

v.

PESCE, et al.,

Defendants.

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. He has filed a “Request for Investigation under the CRIPA Act,” citing 42 U.S.C. § 1997. ECF No. 29. As discussed below, the court cannot grant plaintiff’s requested relief, and his motion is therefore denied.

The Civil Rights of Institutionalized Persons Act (“CRIPA”) does not authorize a private right of action. *See McRorie v. Shimoda*, 795 F.2d 780, 782 n. 3 (9th Cir. 1986); *Cooper v. Sumner*, 672 F. Supp. 1361, 1367 (D. Nev. 1987). Rather, it permits the Attorney General of the United States to institute or intervene in a civil action to protect institutionalized persons against a pattern of violations of their rights. *See* 42 U.S.C. § 1997a-c. CRIPA does not authorize this court to order an investigation on plaintiff’s behalf.

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1 Accordingly, IT IS ORDERED that plaintiff's Request for Investigation under the CRIPA
2 Act (ECF No. 29) is DENIED.

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4 Dated: December 9, 2022.
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10 EDMUND F. BRENNAN
11 UNITED STATES MAGISTRATE JUDGE
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